

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SOVEREIGNTY JOESEPH HELMUELLER  
SOVEREIGN FREEMAN,

Plaintiff,

v.

OPINION and ORDER

SGT. JOSEPH KORMANIK,  
SGT. RICHARD WESTPHAL,  
OFFICER SCOTT RHODE,  
OFFICER LACY MAYARSKI, and  
CAPTAIN KRISTEN ANDERSON,

22-cv-509-jdp

Defendants.

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Plaintiff Sovereignty Joeseeph Helmueller Sovereign Freeman, who formerly went by the name Andrew Jacob Helmueller in previous cases filed in this court, is an inmate at Waupun Correctional Institution. Helmueller, appearing pro se, alleges that he was wrongfully arrested and then subjected to excessive force, sexual humiliation, and inhumane conditions at the St. Croix County Jail.

The court has already allowed Helmueller to proceed with this case in forma pauperis, and he has made an initial partial payment of the filing fee as previously directed by the court. The next step is for me to screen Helmueller's complaint and dismiss any portion that is legally frivolous or malicious, fails to state a claim upon which relief may be granted, or asks for money damages from a defendant who by law cannot be sued for money damages. 28 U.S.C. §§ 1915 and 1915A. In doing so, I must accept his allegations as true and construe the complaint generously, holding it to a less stringent standard than formal pleadings drafted by lawyers. *Arnett v. Webster*, 658 F.3d 742, 751 (7th Cir. 2011).

Helmuegger's complaint does not comply with the Federal Rules of Civil Procedure, so I will dismiss the complaint and give him an opportunity to correct the problems identified in this order.

#### ANALYSIS

Helmuegger alleges that in March 2020, he was wrongfully arrested on charges that were later dropped. He was taken to the St. Croix County Jail, where officers used excessive force against him by "slam[ming him] around" and "jerking the chains" in which he was shackled. Dkt. 5, at 7. An officer "fondled" his penis "while [he] was held in suspension like a bound/tied animal." *Id.* After he was placed in a restraint chair, a nurse injected him with what he believes was a sedative. I take him to be saying that he was placed unconscious into a filthy cell, naked and face down onto the floor.

These allegations potentially support a variety of constitutional claims against officers who wrongfully arrested him, used excessive force against him, forcibly administered unwanted medication, sexually humiliate him, and placed him in inhumane conditions of confinement. But Helmuegger's allegations do not comply with Federal Rule of Civil Procedure 8, which requires a plaintiff to provide fair notice to each defendant about what he or she did wrong. Helmuegger states that he intends to sue a group of ten defendants, but he lists a group of only five officers from the St. Croix County sheriff's office. Nor does Helmuegger explain what actions each of those specific defendants took to harm him. Helmuegger also lists a group of government officials and organizations including the Wisconsin governor, senators, and American Civil Liberties Union. These government officials are not responsible for administration of prisons so they cannot be held liable for constitutional violations occurring

within them. *See Burks v. Raemisch*, 555 F.3d 592, 595 (7th Cir. 2009). And the ACLU is a private nonprofit organization that has no legal authority to correct problems in prisons; there is no legal theory under which it could plausibly be liable for the problems that Helmueller describes.

I will give Helmueller an opportunity to file an amended complaint that addresses these problems. He should file his new complaint on the court's complaint form, which I will have the clerk of court send him. In drafting his amended complaint, Helmueller should remember to do the following:

- Carefully consider whether he is naming proper defendants and omit defendants who did not personally cause or participate in a violation of his rights.
- Identify all of the individuals or entities that he wishes to sue in the caption of the complaint.
- Describe simply and concisely what actions he believes that each defendant took that violated his rights, using separate, numbered paragraphs. He should state his allegations as if he were telling a story to someone who knows nothing about the events.
- If he does not know the identity of particular defendants, he may label them as John Doe No. 1, John Doe No. 2, and so on. The court has procedures by which he may make discovery requests to identify those defendants later in the case.

#### ORDER

IT IS ORDERED that:

1. Plaintiff Sovereignty Joseph Helmueller Sovereign Freeman's complaint, Dkt. 5, is DISMISSED.
2. Plaintiff may have until November 15, 2022, to submit an amended complaint as directed in the opinion above.

3. The clerk of court is directed to send plaintiff a copy of the court's complaint form.

Entered October 25, 2022.

BY THE COURT:

/s/

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JAMES D. PETERSON

District Judge